

REMARKS

Claims 1-100 are pending. The Office action previously indicated claims 4-6, 11-13, 16, 17, 20, 21, 23-25, 28-32, 38-46, 52-60, 66-74, 79-82, 85-88, 91-94 and 97-100 were allowable, but then issued a new rejection in the Office Action. Claims 1, 2, 7-10, 14, 18, 22 26, 33, 34, 36, 37, 47, 48, 50, 51, 61, 62, 64, 65, 77, 78, 83, 84, 89, 90, 95 and 96 were previously cancelled in effort to permit the allowable claims to issue, however in view of the new rejection, these claims are reinstated. Applicants respectfully traverse and request reconsideration.

Claim Rejections – 35 USC §102

The Office Action rejects claims 1, 3-7, 9-12, 14-17, 25-29, 33, 35-39, 41, 45-47, 49-53, 55, 59-61, 63-67, 69, and 73-76 under 35 U.S.C. § 102 as being anticipated based on US Patent No. 4,402,118 (Benedetti).

Benedetti

Regarding independent claims 1, 11, 38, 52, 66, the Office Action fails to show where Benedetti teaches, among other things, the claimed depression. According to the Office Action, the claimed hindrance portion corresponds to an alleged “recess provided between 46 and the free end of the spring 34 and recess provided between 48 and the free end of the spring 36.” The office action does not show any portion of Fig. 4 reproduced in the office action to be labeled as a recess. Further, the undersigned is unable to find where Benedetti as cited describes a recess. If the office action maintains the existence of a depression corresponding to a “recess provided between 46 and the free end of the spring 34 and recess provided between 48 and the free end of the spring 36”, then a showing is requested. Since the office action now reproduced Fig. 4, a label showing such a “recess” is requested so as to avoid any confusion or ambiguity.

Nevertheless, the office action points to Fig. 4 of Benedetti at the rounded outwardly angled lead portions 50, 52 and labels the curved portion “deepest part of depression.” However, Benedetti shows merely a curved portion rather than a depression as claimed. Rather than show any depression on springs 34, 36, Benedetti instead shows springs 34, 36 having a consistent and continuous thickness for springs 34, 36 without a hindrance portion, depression and/or ripple.

Further, Benedetti instead teaches “[t]he trailing angle portions 42, 44 have rounded outwardly angled lead portions 50, 52 to facilitate placing the clip on the projection as illustrated in FIG. 4.” (Benedetti Col. 3 lines 4-6). Rather than teach either a hindrance portion or a depression, the cited portion of Benedetti instead teaches “rounded outwardly angled lead portions 50, 52.” Id. These rounded outwardly angled lead portions 50, 52 are used to facilitate placing the clip on the projection as illustrated in FIG. 4. Id. Fig. 3 merely shows the lead portions 50, 52 as the mere ends of the legs 34, 36 with no depression shown. Benedetti teaches the lead portions 50, 52 “permitting the clip to pass onto the projection.” (Benedetti Col. 3 lines 39-40).

Although Benedetti fails to teach the claimed depression as shown above, the office action nevertheless equates the claimed ripples to the alleged recess between 46, 48 and the free end of the spring 34, 36. Again, despite Fig. 4 being reproduced in the office action, no portion of Fig. 4 is labeled as the claimed ripples. Yet again, the undersigned has searched Benedetti in vain and could not find a reference to a ripple as asserted in the office action. If this rejection is maintained, a showing of the distinct elements of a depression, a ripple and a recess as asserted in the office action is respectfully requested.

Also, the office action cites to merely one object in Benedetti, the lead portions 50, 52, to teach three distinct claim limitations, both the ripple, the hindrance portion and the depression.

Thus, the Office Action does not recognize the distinction between the ripple, the hindrance portion and the depression. For at least these reasons, the Office Action fails to show how Benedetti teaches each and every element as arranged in the claims. Therefore, the Office Action fails to establish how Benedetti anticipates the claims. Thus, the rejection should be withdrawn.

The office action merely cites to Figs. 1-8 of Benedetti to recite the claimed “depression has a deepest part, a front side, a back side and a width.” The above arguments are repeated regarding the lack of the claimed depression. If this rejection is maintained, then a specific citation to Benedetti teaching this claim limitation is requested. For at least these reasons, the Office Action fails to teach how Bendetti anticipates the claims. Withdrawal of this rejection is therefore requested.

Osterland

The Office Action rejects claims 1, 3-7, 10-12, 14-17, 25, 30, 31, 33, 35-39, 41, 47, 50, 52, 53, 55, 61, 63, 64, 66, 67, 69, 75 and 76 under 35 U.S.C. § 102(b) as being anticipated based on US Patent No. 6,928,705 (Osterland). The Office Action fails to show where Osterland as cited teaches, among other things, a hindrance portion, a depression or a ripple. According to the office action, the hindrance portion corresponds to the “(region of the engagement spring between 37, 137 and the free end of the spring 28, 128) between the free end and the peak in the vicinity of the peak (Figs. 1-21)). As similarly described above with regard to Benedetti, rather than show any depression on springs, Osterland instead shows springs having a consistent and continuous thickness for springs without a hindrance portion, depression and/or ripple.

According to the Office Action, the concave engaging surface 50 corresponds to both the claimed hindrance portion and the claimed depression. However, rather than show a depression as claimed, the concave surface 50 as shown in Figs. 4 and 5B instead is merely a bend (exterior

convex portion) on each abutting flanges 28. Also, the specification of the Osterland reference limits this bend to a radius of 2 to 4 mm and 15 to 25 degrees. (Osterland Col. 4 lines 1-2).

Thus, Osterland merely describes a mere bend and not a depression as claimed. For at least these reasons, Osterland is distinguishable from the claims.

Further yet, rather than show where Osterland teaches “the hindrance portion comprises only one ripple having the form of a depression (50)” the Office Action merely cites again to the concave surface. If the rejection is maintained, then the Applicants request a specific citation to Osterland for teaching the distinct elements of: 1) the ripple having the form of a depression 2) a deepest part, 3) a back side and 4) a back side lacking a front side and a width pursuant to 37C.F.R 1.104(C)(2). Since Osterland fails to teach a ripple or a depression, the frictional engagement area of the Osterland clip is less than the frictional engagement available from the ripple and depression. Thus, the Osterland clip functions differently in a different way to produce a different result. Therefore, the Office Action fails to show how Osterland teaches each and every element as arranged in the claims. For at least these reasons, the Office Action fails to establish how Osterland anticipates the claims. As a result, the rejection should be withdrawn.

Claim Rejections – 35 USC §103

Claims 2, 8, 13, 34, 40, 48, 54, 62 and 68

The Office Action rejects claims 2, 8, 13, 34, 40, 48, 54, 62 and 68 under 35 U.S.C. § 103(a) as being unpatentable based solely on (Benedetti). The Office Action acknowledges that Benedetti does not disclose where the gradually decreasing slope has the shape of an arch of 50 – 70 degrees and the arch has a radius of 0.03 to 0.05 mm and further does not disclose a relief opening in the vicinity of the bottom of the spring fastener. Applicants repeat the relevant

arguments made above including those showing that the office action fails to show at least where Benedetti teaches the claimed depression and ripple. These dependent claims dependent on relevant independent claims 1, 33, 38, 47, 52, 61, and 66 adding further limitations and are thus also allowable for at least the reasons the independent claims are allowable. Reconsideration and withdrawal of the rejections is respectfully requested.

Smith

The Office Action on pages 16 and 17 appears to cite to Smith to reject claim 32, however on page 28 the office action acknowledges that Smith was inadvertently cited but is disqualified as prior art. The relevant arguments made in previous Office Actions are repeated including those showing that Smith is disqualified as prior art. Withdrawal of the rejection is requested.

Claims 18-24, 42-44, 56-58, and 70-72

The Office Action rejects claims 18-24, 42-44, 56-58, and 70-72 under 35 U.S.C. § 103(a) as being unpatentable based on (Benedetti) in view of US Patent # 6,691,380 (Vassilou). These claims are again rejected on page 21 of the office action under 35 U.S.C. § 103(a) based on Osterland modified by Vassiliou. Vassiliou is disqualified as prior art according to 35USC 103 (C) because Smith is owned by the same person or subject to an obligation of assignment to the same person as the instant application, as recorded at reel/frame: 016662/0247. MPEP 706.02(1)(1). Applicants repeat the relevant arguments made above. These dependent claims dependent on relevant independent claims 1, 33, 38, 47, 52, 61, and 66 adding further limitations and are thus also allowable for at least the reasons the independent claims are allowable.

These claims are yet again rejected on page 24 based on Benedetti and US Patent # 6,279,207 (Vassiliou). These claims are again rejected on page 25 based on Osterland in view of Vassiliou. Vassiliou is disqualified as prior art according to 35USC 103 (C) because Smith is owned by the same person or subject to an obligation of assignment to the same person as the instant application, as recorded at reel/frame: 016662/0247.

Regarding the dependent claims, the dependent claims depend on independent claims 1, 11, 33, 38, 47, 52, 61, 66, 75 and 76 adding further limitations and are thus also allowable for at least the reasons the independent claims are allowable. Reconsideration and withdrawal of the rejections is respectfully requested.

Applicants respectfully submit that now the claims are in condition for allowance, and an early Notice of Allowance is earnestly solicited. The Examiner is invited to telephone the below-listed attorney at 708-588-0948 to advance prosecution of this case and avoid the time and expense of preparing a 30 page office action which is shown above to be, although of substantial quantity, to be without the quality of merit.

Dated: May 9, 2007

Respectfully submitted,

Address:

Termax Corporation

1155 Rose

Lake Zurich, IL 60047

Phone: (708) 588-0948

Facsimile: (708) 588-0948

By: /Themi Anagnos/_____

Themi Anagnos

Registration No. 47388